

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**UNITED STATES OF AMERICA**

§  
§  
§  
§

**V.**

**CASE NO. 6:09CR3**

**EMILIO MARTINEZ-MAGDALENA**

**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

The above-styled matter was referred to the Honorable Judith K. Guthrie, United States Magistrate Judge, for administration of a guilty plea under Rule 11 of the Federal Rules of Criminal Procedure. Judge Guthrie conducted a hearing in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and issued her Report and Recommendation (document [#22](#)) on March 31, 2009. Judge Guthrie recommended that the Court accept Defendant's guilty plea. She further recommended that the Court finally adjudge Defendant as guilty of Count 1 of the [Indictment](#) filed against Defendant in this cause.

The parties have not objected to the magistrate judge's findings. The Court is of the opinion that the Report and Recommendation should be accepted. It is accordingly **ORDERED** that the Report and Recommendation of the United States Magistrate Judge (document [#22](#)) is **ADOPTED**. It is further

**ORDERED** that the Defendant's guilty plea is accepted and approved by the Court. It is finally

**ORDERED** that the Court finds the Defendant **GUILTY** of Count 1 of the **Indictment** in the above-numbered cause and enters a **JUDGMENT OF GUILTY** against the Defendant as to Count 1 of the **Indictment**.

**So ORDERED and SIGNED this 15th day of April, 2009.**

A handwritten signature in black ink, appearing to read "LEONARD DAVIS", is written over a horizontal line. The signature is fluid and cursive, with a large loop on the left and a smaller loop on the right.

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**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**